

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 24, 2009

DIVISION TWO

B216250 City of Anaheim, et al. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Priceline.com.Inc. et al., r.p.i.)

The petition for writ of mandate is denied. Costs of this proceeding are awarded to Real Parties in Interest.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B214021 People (Not for Publication)
 v.
 Tharpe

The Court:

The order under review is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION TWO (continued)

B214786 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.B.

With the striking of the allegations in counts a-1, b-1, e-1 and j-1 of the sustained petition relating to A.H.'s low weight, the juvenile court's jurisdiction and disposition orders are affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B209835 Rutter Hobbs & Davidoff Incorporated (Not for Publication)
v.
Bessemer Trust Company of California, N.A., as Trustee, etc.
Jillene Taper Marrero

The probate court's orders denying RHD's petitions for fees and costs are reversed. The matter is remanded for further proceedings consistent with this opinion. RHD is awarded its costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B210766 People (Not for Publication)
v.
Moorehead

The firearm enhancement under section 12022.53 is stricken and the matter is remanded to the trial court to resentence defendant under the firearm enhancement in section 12022.5. The judgment is otherwise affirmed. On remand the trial court is also directed to correct the minute order of June 12, 2008, to reflect that defendant was convicted on counts 1 and 2 of assault with a semiautomatic firearm under section 245, subdivision (b), to correct the abstract of judgment to reflect that defendant was convicted of that offense on those counts, and to modify the abstract of judgment to reflect the trial court's sentencing on remand.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B211652 Jon N. Manzanares, et al. (Not for Publication)
v.
Angela Bertolino, et al.
Marcus, Watanabe, Snyder & Dave, LLP

The orders granting plaintiffs' motion to compel answers and production of documents and motion to compel supplemental discovery responses and denying defendants' motion for protective order are affirmed. The October 8, 2008 order imposing \$6,612.50 in sanctions against defendants only and \$3,387.50 in sanctions against defendants and their counsel of record, jointly and severally, is reversed in part and modified to impose \$3,387.50 in sanctions against defendants only. The order of \$6,612.50 in sanctions against defendants only is unchanged. As modified, the October 8, 2008 order is affirmed. Defendants to bear the costs of appeal.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (continued)

B214401 David Shadow, et al. (Not for Publication)
 v.
 Empire Carpets California Limited Partnership

The order is reversed and the matter remanded for a determination of whether the arbitration provision is enforceable under Illinois law. Each party is to bear its own costs of appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B210050 People
 v.
 Tutt

Filed order denying petition for rehearing.

DIVISION THREE

B212624 Gurrola (Not for Publication)
 v.
 City of Los Angeles

The order of dismissal is reversed solely as to the first cause of action (inverse condemnation) and the matter is remanded with directions to grant Gurrola leave to amend said cause of action only. With respect to all other causes of action, the order of dismissal is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B211240 People (Not for Publication)
v.
Skiler Eli Gascon

The abstract of judgment is modified to omit the \$30 court-construction-fund fine. The clerk of the superior court is directed to forward the modified abstract of judgment to the Department of Corrections. The judgment is affirmed as modified.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B207171 People (Not for Publication)
v.
Michael Antonine Elkins

The judgment is modified by staying execution of sentence on appellant's conviction for possession of ammunition (count 2), pending completion of his sentence on his conviction for possession of a firearm by a felon (count 1), such stay then to become permanent, and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B216228 People (Not for Publication)
v.
Johnny Ringgold

The abstract of judgment is ordered corrected to reflect a fine of \$10 imposed pursuant to section 1202.5 and corrected copy is to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B216100 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Tina W.

The order terminating parental rights is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B213212 People (Not for Publication)
v.
Cook

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION SIX

B211855 People (Not for Publication)
v.
Michael Robert Burns

One of the two section 12022.1, subdivision (b) enhancements is stricken. The trial court shall prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects the judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B211486 Laureen Espinoza Renar (Not for Publication)
v.
Jesse Espinoza

The judgment is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (continued)

B215180 Child Welfare Services (Not for Publication)
v.
C.A.

The order terminating parental rights is reversed as to the child C.M. only and remanded to the juvenile court to order CWS to inquire of K.M. whether C.M. is or may be an Indian child and, if so, to provide proper notice under ICWA. In the event that no tribe indicates that C.M. is an Indian child, then the juvenile court must reinstate the order terminating parental rights. If a tribe indicates that C.M. is Indian, then the juvenile court is directed to proceed in compliance with ICWA. In all other respects, the orders and findings of the juvenile court are affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B211560 People (Not for Publication)
v.
Dandurand

The \$400 domestic violence fee and \$960 penalty assessment imposed on March 8, 2008, are ordered stricken. The superior court shall so notify the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

November 24, 2009 (Continued)

DIVISION SIX (continued)

B210393 People (Not for Publication)
v.
Guggenmos

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B205419 People
v.
Sandoval

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B213245 People
v.
Luis M. Gomez

Filed order denying petition for rehearing.

DIVISION SEVEN

B207427 Frances Hubbard (Not for Publication)
v.
Medhi Zargarian et al.

The judgments are affirmed. Respondents are awarded costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

Court convened at 9:05 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Mohr, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B210203 People v. Carter
B213002 People v. Brown
B213364 People v. Cho
B205164 People v. Allen
B208717 People v. Gonzalez
B208506 People v. Royal
B212543 People v. Ramirez
B211682 People v. Jones
B210056 People v. Jelks
B209813 People v. Grant
B213482 People v. Zelaya & Roberts
B213481 People v. Barragan
B209813 People v. Grant

Argument waived, cause submitted.

B212567 People
 v.
 Miguel S. Garcia

Merits:

Argued by Edward J. Haggerty for appellant and by Sonya Roth, Deputy Attorney General for respondent. Cause submitted.

Bigelow, J. left the bench.

DIVISION EIGHT (continued)

B209030 People
 v.
 Alejandro Fierro

Merits:

Argued by Carol S. Boyk for appellant and by Tannaz Kouhpainezhad,
Deputy Attorney General for respondent. Cause submitted.

Each of the following:

B185940 People v. Barba
B210434 People v. W.M.
B210691 People v. Navarrete

Oral argument continued to December 17, 2009, at 9:00 a.m.

Court adjourned

B213784 Oddone (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Technicolor, Inc., r.p.i.)

The alternative writ is discharged and the petition is denied. Technicolor is
to recover costs in these proceedings.

Flier, Acting P.J.

We concur: Bigelow, J.
 Bendix, J. (Assigned)

DIVISION EIGHT (continued)

B212347 Washington Mutal Bank (Not for Publication)
 v.
 Scott Jacoby
 State Farm General Ins. Company

The judgment is affirmed. Respondent is to recover its costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B212358 People (Not for Publication)
 v.
 Victor Flores

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B209330 People (Not for Publication)
 v.
 Samuel Hernandez

The sentence is vacated and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Mohr, J. (Assigned)

We concur: Rubin, Acting P.J.
 Bigelow, J.

DIVISION EIGHT (continued)

B210702 M.P.
 v.
 S.B.

The Court:

Acting Presiding Justice Rubin has reviewed "Appellant's Request to Disqualify Appellate Justice Rubin..." filed September 9, 2009. Acting Presiding Justice Rubin has not disqualified himself.

B213391 People
 v.
 Michael W.

Filed order denying petition for rehearing.